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# Office of the General Counsel Review Guide

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**GAO**

United States General Accounting Office

April 15, 1984

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Office of the  
General Counsel  
Review Guide

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# Preface

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## PREFACE

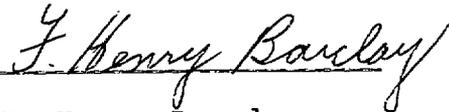
The Management Committee of the Office of General Counsel issues this review guide for the assistance of present and future members of our Office. From time to time the guide will state a single preferred course of conduct, but in most cases the guide will indicate a preference for, but not a requirement to use, particular techniques or approaches to review. Preferences are based on our experience and judgment in the production of legal materials within OGC.

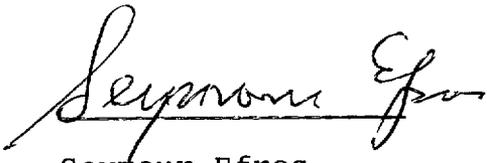
The suggestions or recommendations in the review guide are most often addressed to the first-line reviewer, but as the reader will discover, many recommendations extend to other reviewers, and some extend to all. We expect that writing attorneys will also read the guide and benefit from their consequent knowledge of what we believe to be their role in our decision-writing process.

As the guide is used by OGC, we may conclude that it needs to be modified or supplemented or discarded--and we will take any such appropriate action as experience dictates. In short, none of our recommendations is intended to override what may be common sense in a given situation, or

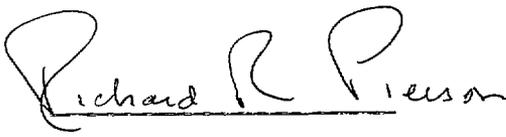
to freeze a rule indefinitely if in actual practice it proves unworkable. We invite your comments.

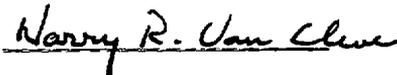
Finally, we are grateful indeed for the work done in preparing this guide by Marilyn Eaton of this Office.

  
F. Henry Barclay

  
Seymour Efros

  
Rolley H. Efros

  
Richard R. Pierson

  
Harry R. Van Cleve

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# Introduction

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## INTRODUCTION

This guide grows out of the 1983 report of the Task Force on Review Policies and Procedures, which recommended strongly that the Office of General Counsel develop such a reference. As will be seen, the guide is closely based on the Task Force's recommendations and uses information developed by the Task Force. Task Force members were Ronald Berger (Chairman), Margie Armen, Barry Bedrick, Bert Berlin, Bruce Goddard, Donald Guritz, and James Vickers. They have richly earned and here receive a formal expression of gratitude from the Management Committee of the Office of the General Counsel.

The Task Force surveyed 30 full- and part-time reviewers and found that a large number (40 percent) feel that their job has never been clearly defined. What is clear is that two different philosophies of review coexist in OGC: one that the reviewer's role is to confirm the legal adequacy of the attorney's work product, and the other that the reviewer is actively to assist the attorney in creating that product. We strongly support the latter philosophy.

Accordingly, the purpose of this guide is

--to define the review process and the  
reviewer's role in that process;

- to suggest different approaches to common review tasks, identifying those that the Management Committee believes will work best, and ultimately, as with the Legal Writing Guide;
- to improve the quality of our decisions and the timeliness with which they are produced--goals that we believe to be mutually supportive, but that are too often seen by both reviewers and writing attorneys as mutually exclusive.

Some Task Force recommendations involve management, administration, staffing, and training. For example, the Task Force suggested development of courses in effective writing and review, as well as an introduction to our substantive areas of law for new attorneys. It also recommended establishment of criteria for the selection of new reviewers, including personality, ability and willingness to work with other professionals, and skill in teaching and enhancing the development of attorneys, as well as the writing ability that traditionally has been a major factor in reviewer selection. We refer to these recommendations here, because consideration of and planning for many of them

are under way, and some will be in practice as this guide is issued. On the other hand, we have not discussed such Task Force questions as whether OGC management places too little or too much emphasis on drafting time and case production, since these are policy matters, generally outside the scope of a review guide.

The reviewers who responded to the Task Force survey were asked to describe their present duties, to evaluate the effectiveness of the review process, and to state how they believe these should be changed. We report consensus--or lack of consensus--in order to give perspective to our recommendations.

We recognize that the review process affects and is affected by a multitude of things, including personality, experience, skills, and the complexity of the case at hand. In addition, there are differences among the OGC sections, in some cases dictated by the type of work each is responsible for, so that different approaches, i.e., flexibility, may not only be desirable but essential. When, however, we feel strongly that one particular approach should be taken, and that reviewers who depart from that approach should be prepared to justify so doing, we make that requirement clear.

We have organized this guide to deal first with the review process. We define the process broadly, to encompass evaluation, training, and all other aspects of OGC decision writing and review. We believe that the process should begin early, and we strongly endorse (but do not require) the simultaneous assignment of cases to an attorney and a reviewer or the assignment of particular attorneys to particular reviewers. In sections where this is not now the practice, we recommend that serious consideration be given to the advantages of such assignment. And while we do not recommend complete elimination of any layer of review or abolishment of alternate drafts, we suggest shortcuts for appropriate cases.

Second, we examine the individual reviewer's role, distinguishing, when appropriate, between the first-line reviewer and upper-level reviewers. We recommend that the role of the first-line reviewer be enhanced through opportunities to participate in case management, performance appraisals, and promotion recommendations. Many first-line reviewers have indicated that they would welcome these additional responsibilities. Implementation of our recommendations in this area should have a positive effect on reviewer morale (some 20 percent, the Task Force found, are

unhappy with the job or at least with some aspect of it) and a ripple effect so far as attorney morale is concerned.

A common thread throughout this guide is the attorney-reviewer relationship, the subject of our third chapter. We recommend that as a general rule, reviewers should return drafts to writing attorneys for substantive revision, and that, in any case, reviewers should communicate--by means of face-to-face discussions--with writing attorneys regarding changes made or requested in their drafts. We offer "helpful hints" on how to deal with an unacceptable draft or a dispirited attorney, with the caveat that only in the best of all possible worlds, which OGC admittedly is not, will all drafts be acceptable and all attorneys contented. And we also urge that the writers of exceptionally high quality decisions be praised for their efforts.

In our concluding chapter, we set forth a number of recommendations regarding rotators and summer interns. We believe their cases should be carefully selected and their drafts promptly reviewed. In view of the importance of the summer intern program (in 1984 and 1985, OGC expects to hire new attorneys entirely from the pool of the prior summer's interns), this group deserves special attention.

For the appendix to this guide, we have revised OGC instructions on legal citations, so that reviewers and attorneys alike will know what is required, and the several sections will be consistent in their use of citations. Credit for work in this area goes to Robert Crystal and Neill Martin-Rolsky.

# **Chapter 1**

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## **The Review Process**

## CHAPTER 1

### THE REVIEW PROCESS

#### DEFINITION AND OBJECTIVES

Webster's defines "process" as a specific, continuous action, operation, or series of changes directed to some end. The OGC review process, critical and pervasive, is exactly that. Yet the end is far more than a Comptroller General decision, a response to a congressional request, or evaluator assistance. To quote from the Task Force report:

It is through the review process that the quality of our writing and the soundness of our legal analyses and conclusions are tested, refined, and perfected, and it is through the review process that the members of our professional writing staff learn in great detail what is expected of them and how well they are meeting those expectations. Since this process provides the primary vehicle for interaction between the writing attorneys and all those at higher levels of responsibility, it has a critical bearing on the work and personal relationships that are formed. In

short, it is the review process that in large measure defines the nature and substance of the writing attorney's job and the conditions under which that job will be performed; it also sets the framework for the attitudes developed by the attorneys, both with respect to themselves and their own self-esteem and with respect to their view of others in the Office and of the institution as a whole.

OGC reviewers, however, do not always see themselves as participants in this overall scheme. There is no dispute that their task is, at a minimum, to examine the attorney's work product and to revise it as necessary to assure that it is legally sound and that it meets acceptable writing standards. (The Task Force report indicates that reviewers believe a significant number of drafts, as submitted, have either major legal problems (38 percent) or major grammatical errors (35 percent).) In addition, even the narrowest definition of the review process includes the scrutiny required to determine that a proposed decision or memorandum is factually accurate and that its tone is appropriate for the intended recipient.

We define the review process broadly, so that it will assure our reaching the following objectives:

1. Every legal conclusion is both supportable and, in fact, supported,
2. The decision responds to the issues raised or the questions asked.
3. The decision is well written and readable.
4. The decision adds to a cohesive body of law that federal officials can rely on in making decisions about contracts, personnel matters, or expenditures.
5. The decision reflects GAO-wide positions and policies.
6. The decision is consistent with those of other OGC sections.
7. The decision analyzes all relevant points of view before setting forth a conclusion.

In addition, necessary and invaluable byproducts of the review process are:

8. Assistance to the writing attorney  
in improving his or her work product.
9. Development of information for use in  
performance evaluations.

Reviewers who responded to the Task Force survey believe the first two objectives are most important; using grades to evaluate the review process, they gave A and A-, respectively, to our effectiveness in meeting these objectives. Reviewers believe, however, that we deserve only C+ for numbers 4 and 9, and C- for number 8.

In other words, reviewers currently place the greatest emphasis on the production of legally supportable, responsive decisions, and believe we are achieving this objective; they believe we are least effective in areas that are perceived to be less important, particularly the continuing education of writing attorneys.

Although we advocate increased attention to all the broad objectives listed above, we especially seek to demolish the perception of some reviewers that assistance to writing attorneys is not important. In the short run, the time required for review may be increased by the time

required to provide such assistance; however, if the result is more competent writing attorneys and better initial drafts, fewer changes will be required during review. In theory, the process eventually will consume less rather than more time, and the end to which it is directed will be achieved.

### **WHERE THE PROCESS BEGINS**

Typically, in OGC, the review process begins with the attorney's completion of a draft and the submission of that draft to a reviewer. Once it has been revised to the first-line reviewer's satisfaction, the draft makes its way through possibly four additional layers of review (five levels were possible when we had a separate Deputy General Counsel) before it becomes an official decision of the Comptroller General. Although use of these layers of review is intended to result in a wholly acceptable decision, we believe the process of producing a good decision actually should begin much earlier, through prescreening of cases, early identification of reviewers, and perhaps through permanent assignment of attorneys to reviewers.

### **Prescreening of cases**

It is important for both attorney morale and professional development and for efficient review to match an

assigned case, to the extent possible, with the attorney's experience, ability, and interests. His or her existing caseload also should be a factor in assignments. Additionally, the even-handed assignment of significant cases to attorneys is important to their career advancement. Pre-screening therefore becomes necessary. While too steady a diet of grant, computer, or energy cases may make a dull attorney, if we can develop a cadre of attorneys and reviewers with expertise in particular areas, it will greatly facilitate the review process.

It may not always be possible to determine initially what a case involves, but if it has been assigned to an inexperienced attorney and then turns out to be more complex or sensitive than first appeared, reassignment to another, more experienced attorney should be considered. The trick here is to discourage the notion that such action is necessarily punitive or a sign of lack of faith in the first attorney.

### **The group approach**

A group approach is an alternative to reassignment and a possible approach to some cases initially. Through pre-screening, sensitive or multi-issue cases that are suitable for work by two or more attorneys can be identified. For

example, such cases can be approached by one attorney researching and the other drafting, or each attorney dealing with separable legal issues. When a court or congressional committee imposes deadlines, the group approach can help to assure timely delivery of the finished product. Any group project, of course, requires a close cooperative effort by the attorneys involved and perhaps a greater degree of ongoing supervision than a comparable independent project.

### **Early identification of reviewers**

We believe the review process also can be improved if, at the time a case is assigned to a writing attorney, the attorney knows who will review that case. Our goals here are twofold: pedagogy and case management. They can be accomplished either by simultaneous assignment of cases to both an attorney and a reviewer or by permanent assignment of attorneys to particular reviewers.

The first approach previously was followed by General Government Matters; the second has been used in Special Studies and Analysis and in one of the Procurement Law sections for some time and recently has been initiated on a trial basis in General Government Matters. Either approach, in our opinion, will assist in the quick and accurate production of acceptable decisions by permitting the writing

attorney to discuss the issues raised and the approach to be taken with the reviewer before drafting.

In the sections that have adopted the system of permanently assigning attorneys to particular reviewers, it works well, forging a closer attorney-reviewer relationship than previously existed and generally resulting in the preparation of drafts that reflect more precisely an agreement between the reviewer and writer as to what should be included. In addition, case management is enhanced because the reviewer is aware of the attorney's total workload and can assist in setting priorities and deadlines.

We therefore strongly endorse the concept of early identification of reviewers, but do not require it, recognizing that in some cases Assistant General Counsels believe that it will work better to assign cases to a reviewer after a first draft has been completed. We urge these Assistants, however, to give serious consideration to the advantages of early or permanent assignment, perhaps experimenting with one reviewer and one group of attorneys.

## **HOW THE PROCESS PROCEEDS**

### **Levels and layers of review**

Many people, both inside and outside of OGC, believe that the several layers of review that our written work goes

through are excessive. We think that it would be a mistake to eliminate any of the layers from the review process completely, for example, by making the Assistant or Associate General Counsel purely an administrator/manager. In our opinion, the intensive, detailed review conducted at the lower levels usually is necessary, while very little time is absorbed by review at the Associate General Counsel level and above, compared with the expertise that is provided. Nevertheless, we think there are shortcuts that can be taken in appropriate cases, and these will be discussed below.

According to the Task Force, attorneys and reviewers alike believe the process is often duplicative. The relative roles of the various level reviewers are blurred, and upper-level reviewers are seen as performing the same, rather than distinct, functions. A common complaint is that reviewers at the upper levels sometimes do no more than second-guess preceding-level reviewers or express personal preferences when they request or make changes in decision language or the treatment of issues.

In attempting to define reviewers' relative roles more clearly, the Task Force concluded that the precise wording and organization of drafts should be left to the first-line reviewer and the Assistant General Counsel, and that once a

proposed decision has left this level, revisions should be limited to matters of policy or material legal or writing deficiencies.

We agree only that this will happen in a perfect world. If the first level of review is completely successful, functions will not be duplicated during the review process, and subsequent reviewers will not have to be concerned with whether a draft could be better worded or organized. But this frequently is not the case, and no one should sign off on a draft that contains sloppy thinking or poor English, since these may be regarded as "material" deficiencies. And regardless of level, every reviewer can and should insist that drafts conform to the Legal Writing Guide.

### **Alternate drafts**

This brings us to the question of alternate drafts, which we would define as two drafts reaching opposite conclusions or using different reasoning. The Task Force found that alternates are almost universally favored by reviewers and universally disliked by attorneys. It recommended that reviewers make a conscious effort to keep the number of alternates to a minimum and request them only when they believe a draft is "clearly wrong." In cases that are close, the Task Force suggested, instead of insisting on an

alternate draft, the reviewer should refer the matter to the next level with a note or arrange a meeting to discuss the different points of view.

At the level of the writer and the first-line reviewer, questions generally should be resolved through discussion, although on occasion alternate drafts may be appropriate. At upper levels, however, the ability of the Associate or Acting General Counsel to choose between two positions is considerably enhanced when both are presented for what is essentially a point-by-point comparison. Further, the "clearly wrong" standard is a difficult one to apply, since many cases fall into a gray area where there is no clear legal distinction between opposite results, but merely a disagreement between attorney and reviewer, or between different levels of reviewers, as to which is better. Perhaps a compromise would be to send two finished, albeit not "perfect," drafts forward, so that the next level reviewer can more easily focus on the two points of view.

In summary, while alternate drafts should not be used as a technique to avoid decisionmaking or confrontation, we do not recommend their abolition. Rather, we affirm the right of reviewers to request them when appropriate, and we believe that at higher levels of review, they may greatly facilitate our decisionmaking process. Finally, we believe

- \* that as a general rule, the original attorney, rather than the reviewer, should write them, using his or her best efforts, even if disagreeing with the rationale or the result.

## ELIMINATING LAYERS OF REVIEW

### Lowering the level required for signature

Rather than limiting the role or responsibility of upper-level reviewers, we recommend speeding up the review process by eliminating some layers of review some of the time. Associates now send appropriate cases directly to the Comptroller General for signature, bypassing the General Counsel unless the case involves a major policy question, overrules or modifies a prior decision, or involves a disagreement at lower levels. Other decisions, such as bid protest dismissals and office memorandums are signed by the Acting General Counsel. It may be possible to lower the level at which additional decisions, for example, routine pay, bid protest, or accountable officer cases, are signed, and the Comptroller General may be asked to delegate such authority.

### Bypassing the first-line reviewer

Another shortcut that already is being followed informally in some sections is identification of drafts of

decisions needing minimum review for presentation directly to the Assistant General Counsel. In some cases, these may involve questions where the issues are simple or the law is clear; in others the draft of the decision may be exceptionally well written, by an attorney whose work is of a consistently high quality. In such cases, we recommend that Assistant General Counsels bypass the first-line reviewer and handle the draft of the decision themselves.

There is no consensus among reviewers who were surveyed that all senior attorneys' drafts qualify for this treatment; it depends to a large extent upon whose work is being reviewed. An attorney whose legal analysis and conclusions are impeccable, for example, may continue to need the type of constructive criticism on grammar, editorial matters, and organization that a first-line reviewer generally provides. Nevertheless, senior attorneys' drafts of decisions should not always need review of the same degree or intensity as those of relatively inexperienced attorneys.

#### Concurrent review

Concurrent review also is a possibility. This previously has been done for very high priority cases, with each of several levels of review up to and including the Acting General Counsel reading and commenting on a draft at the same time. No special authority is needed for concurrent

review, and if it seems appropriate, we encourage greater use of it as a means of speeding up the review process where speed is unusually important.

### **Part-time review**

Part-time review is yet another approach that should be considered. In the sections where some attorneys review on a part-time basis, they appear to have a greater appreciation of the role of the full-time reviewer. New reviewers are, in effect, being trained, and those who seek assignment to full-time review positions have an opportunity to demonstrate the skills in interpersonal relations that the Task Force believes should be a very substantial factor in selection.

### **PRIORITIES AND THE REVIEW PROCESS**

A further suggestion directed at speeding up the review process is for first-line reviewers to skim drafts as soon as they are submitted for review. If the case is a routine one, it probably will be susceptible to immediate review, and there is no reason why it should wait until the reviewer has completed work on an earlier submitted, but considerably more complex draft. An initial, prompt look also will serve to identify drafts that are obviously deficient, so that they can be returned to the writing attorney for revision

while the facts and issues are still fresh in the attorney's mind.

Pre-review also will enable reviewers to set priorities concerning the order in which completed drafts should be handled. Certain types of cases must receive immediate attention: decisions or letters to Members of Congress; those requested by a court or the Department of Justice; and in the bid protest area, those in which the contracting agency intends to make an award or otherwise act if a decision is not forthcoming within a certain time. In addition, these cases should be handled so that they reach the Acting General Counsel's desk with a margin of more than a few hours before they must be signed. In this regard, see our earlier recommendations regarding group drafting and concurrent review.

While many drafts are handled quickly, others are not reached for days or even weeks after they are turned in. The Task Force considered setting goals or deadlines for the time in which cases should be reviewed. In our opinion, this is essentially a case management problem for Assistant General Counsels, who need to be sure that first-line reviewers alert them to potential delays. When it appears that delays will be significant, Assistants should consider

reassigning cases to other reviewers or personally reviewing them.

Finally, rotator and intern drafts require prompt review, so that these individuals will receive feedback while they are still in the section where the case originated.

## **Chapter 2**

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# **Individual Reviewers: Roles And Responsibilities**

## CHAPTER 2

### INDIVIDUAL REVIEWERS: ROLES AND REPONSIBILITIES

Having broadly defined the review process and made suggestions for improving it, we turn next to the individual reviewer's role in that process.

#### THE NARROW VIEW

In the Task Force survey, reviewers were asked whether various tasks should or should not be their responsibility; in addition, the questionnaire provided for an "if necessary" answer. Specifically, reviewers were asked whether they should do the following:

1. Read the entire record or file.
2. Read all cited cases.
3. Research independently.
4. Shepardize cited cases.
5. Check citations against the Harvard or OGC citator.
6. Check drafts for conformity to the Legal Writing Guide.
7. Make editorial changes.
8. Proofread.

9. Defend the proposed resolution through upper levels of review.
10. Meet with and advise the writing attorney of strong or weak points in the draft.

Of the reviewers who believe certain tasks should be performed in every case, the greatest number (22 out of 30) feel it is their responsibility to defend the proposed decision through upper levels of review. At the opposite extreme, many believe it should never be their responsibility to Shepardize or proofread. More than half believe that they should read the record in its entirety; in addition, a substantial number believe their duties include reading all cited cases and checking drafts for conformity with the Legal Writing Guide. Of the tasks that reviewers believe should be performed only when necessary, the vast majority list independent research, editorial changes, and meeting with writing attorneys.

What we glean from all this is that most reviewers feel that they should perform--and actually are performing--most tasks at their discretion, depending on the degree of their confidence in the writing attorney or other circumstances that lead them to believe a task is necessary or unnecessary.

We agree with this approach. We believe, however, that certain tasks are primarily within the writing attorney's purview, and that the first-line reviewer's job is to make sure that the attorney regularly performs them. For example, in the case of a new attorney, a rotator, or a summer intern, this may mean checking and double checking to make sure that cases have been Shepardized, that citations are accurate and complete, and that the final is proofread. If the reviewer and the attorney each assume that the other has performed these housekeeping-type chores, substantive errors may go undetected.

Alternatively, when the attorney can be relied upon to perform these chores, the reviewer is left free to read the record and the cited cases, making sure they stand for the proposition for which they are cited and/or are distinguished as appropriate. Interestingly, attorneys themselves appear to agree that at least the first-line reviewer should read the record in its entirety.

Regardless of level, we expect a reviewer to delve into the record when he or she believes, for example, that the question being answered could not have been the one that was asked or that the agency could not possibly have acted so stupidly. At this point, the burden shifts to the writing attorney to clarify, revise, or defend the draft.

## THE EXPANDED VIEW

Reviewers who believe their role is merely to confirm the attorney's work product probably also believe that they have fully performed if they accomplish most of the tasks listed above or see that they have been done by the writing attorney. We believe a reviewer's role extends well beyond this narrow definition.

A broad definition of the review process requires a similarly expansive definition of the reviewer's role--one that includes managerial functions for even the first-line reviewer. Many in this group, the Task Force survey indicated, feel that their unique status--neither writing attorney nor manager--is not sufficiently appreciated or recognized (some 20 percent are unhappy with at least some aspect of the job). Most first-line reviewers would welcome additional managerial responsibilities.

The Task Force asked whether reviewers currently perform, or believe they should be responsible for performing, any of the following management-type functions:

1. Development of skills and abilities of writing attorneys, using the review process as a means of continuing education and training.

2. Similar education and training of rotators and summer interns.
3. Participation in performance appraisals and promotion decisions.
4. Supervision of writing attorneys.
5. Assignment of cases.
6. Supervision of support staff.
7. Development of training programs.
8. Recruitment and selection of employees.

Currently, the majority of first-line reviewers have little or no responsibility for such tasks as supervision of support staff and recruitment and training, and the reviewers expressed little interest in increasing their participation in these activities. It appears, however, that most reviewers would welcome an opportunity to assist in the informal education, training, and evaluation of writing attorneys. In addition, well over half of the first-line reviewers surveyed believe they should have some responsibility for the supervision of attorneys and assignment of cases. These opportunities will be made available; ways of doing so are discussed in the following paragraphs.

#### **Education and training of writing attorneys**

Outside of formal courses and seminars, the informal education and training of writing attorneys can be (and

historically has been) accomplished in two ways: through discussions during the period when decisions are being researched and drafted and through regular and effective communication concerning changes requested or made in drafts. As indicated earlier, we think the one attorney/one reviewer approach increases opportunities for discussion during the research and drafting stage. This also should be accomplished, however, by reviewers having an open-door policy and being willing to talk to writing attorneys.

In chapter 3, dealing with attorney-reviewer relationships, we further discuss communication concerning changes; what we are attempting to convey here is primarily that informal education and training of writing attorneys is most surely a component of the reviewer's job.

#### **Case assignment and management**

If each writing attorney is permanently assigned to a first-line reviewer, these reviewers may gain a greater role in case assignment and case management. In Procurement Law II, for example, the Assistant General Counsel assigns cases to a reviewer who in turn makes the assignment to a writing attorney. The reviewer also reads (or attempts to read) all incoming correspondence before it is forwarded to the attorney. The Assistant in this case believes the system permits

discovery of potential problems earlier than otherwise would be possible and gives reviewers an opportunity to become familiar with the issues involved during the research and drafting stage. In addition, the first-line reviewer assumes greater responsibility for case development and for followup if an alternate draft or changes are requested.

### Performance appraisals and promotions

As indicated above, many first-line reviewers also would like to be more fully involved in the preparation of performance appraisals and promotion recommendations. While these are primarily management's responsibility, it is the first-line reviewer who is most familiar with each attorney's unvarnished style and with the effort and spirit that each brings to his or her work. Through scrutinizing drafts, these reviewers see how well an attorney is doing, what his or her strengths and weaknesses are, and the extent to which each shows improvement. The information that they provide to an Assistant or Associate General Counsel can be invaluable in making decisions on evaluation and promotion, as well as in the selection of attorneys for training, special projects, and awards.

We conclude that first-line reviewers should contribute to the evaluation of writing attorneys, but that the manner

in which they do so--whether formally, making written recommendations, or informally--is less important than recognition of this fact.

### Reviewers as writers

In addition to more managerial responsibilities, reviewers' roles can be enriched by permitting them to return to writing, thus exercising the skills that led to their selection in the first place. One approach is to do so on an occasional basis, as workload permits or when a particularly complex case requires the degree of expertise that a reviewer can bring to it. Another approach would be to provide for 3- to -6 month sabbaticals, during which the reviewer would resume his or her former status as a writing attorney. A senior writing attorney could substitute as a reviewer during this period, with attendant advantages to that individual. If reviewers would welcome temporary writing assignments, we urge that they request them. Assistant General Counsels should be alert to these desires and accommodate them whenever possible.

## **Chapter 3**

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# **Attorney-Reviewer Relationships**

## CHAPTER 3

### ATTORNEY-REVIEWER RELATIONSHIPS

Too often, the attorney-reviewer relationship consists of a vicious cycle that develops because writing attorneys expect automatic changes during the review process. Thus,

- anticipating changes, the writing attorney applies little effort to the draft, and consequently it is a long way from what the writer regards as a finished product;
- because the draft is legally inadequate or does not reflect the reviewer's stylistic preferences, or is simply sloppy and imprecise, the reviewer changes it;
- because of time pressures or lack of faith in the writing attorney's ability to improve, the reviewer gives the attorney little feedback; and
- the writing attorney does not develop the skills or the spirit necessary to prevent the entire cycle from repeating itself.

Although sometimes relationships are strained by personality or ego clashes, many problems develop because

the attorney does not understand changes or appreciate why deficiencies have been found in a draft. This reflects the two different review styles shown in the Task Force survey: some reviewers rewrite much of what they are given, seeming to lose sight of the distinction between reviewing and rewriting, while others make very few changes. The fact that different reviewers take different approaches to the same attorney's work has a further unsettling effect on the latter.

This lack of uniformity in what reviewers do and the resulting lack of understanding of changes by writing attorneys lead to our next recommendation: that as a general rule, drafts requiring reorganization or substantive revision should be returned at least once to the writing attorney. (If the reviewer wishes to make a point about a minor grammatical error, returning the draft to the writing attorney may also be appropriate.) In any event, we believe that first-line reviewers should communicate--regularly and effectively--with writing attorneys regarding changes made or requested in their drafts, and that this communication should be face-to-face.

## PROBLEM DRAFTS

### Who makes changes and why

In the Task Force survey, reviewers were asked to indicate how they handled problems in the more than 2,500 drafts reviewed during the past year. Of these, approximately 38 percent were seen as having major legal problems, such as inadequate analysis, insufficient support, or improper citations, and approximately 35 percent as having major editorial or grammatical problems. (The greatest number of problems were found in drafts by grades GS-12 to GS-14 attorneys; this, however, may reflect the fact that rotators and interns are assigned simpler cases, with less potential for error, and senior attorneys are better able to cope with the complex ones, thus making fewer errors.) Reviewers also were asked which of the following actions they took when encountering problems:

--Meet personally with the writing attorney to discuss the case.

--Return the draft at least once to the writing attorney with specific instructions as to revision, including

(1) reorganize or change the order of presentation,

(2) beef up with additional analyses or citations,

- (3) tone down or qualify,
  - (4) delete facts or analyses, and/or
  - (5) reach a different conclusion,
- Reassign the case to another attorney.
  - Personally rewrite all or a major portion of the decision.
  - Discuss the case with other reviewers.
  - Notify the Assistant General Counsel.

Overall, there is little consistency among reviewers in handling of problem drafts. Deletion of detailed recitations of fact or reasoning appears to be common; reassignment of cases to other attorneys is rare. Reviewers sometimes return drafts to the writing attorney, and when they do so, it is slightly more likely to be for a revision reaching the same conclusion than for one reaching a different conclusion. Most reviewers (25 of 30) admit to rewriting all or major portions of decisions personally at least some of the time.

#### **Returning drafts to attorneys**

We think that unless time simply does not permit, when a draft needs substantial revision, the first-line reviewer should let the attorney know, through face-to-face discussion, what the problem is. The two can talk about how it can be remedied, and the attorney, at the same time, will

gain an opportunity to discuss the reasons why he or she took the original approach and to persuade the reviewer that changes are not necessary. The attorney then can make agreed-upon revisions within an agreed-upon time. This is, in short, a continuation of the team approach that in our opinion should begin with the simultaneous assignment of cases to an attorney and a reviewer or the assignment of particular attorneys to particular reviewers.

When upper-level reviewers return drafts, the most usual approach is a note to the reviewer immediately below the note writer in the chain of command. In many cases, this is the only practicable approach--the Acting General Counsel's many other duties, for example, generally would preclude his strolling down to the writing attorney's office to discuss a case. In addition, intervening levels, i.e., Assistant and Associate General Counsels, need to be made aware of whatever questions or comments the draft has raised. Regardless of to whom an upper-level reviewer's note is addressed, however, we think the draft ultimately should be returned to the writing attorney for revision.

Here the support of drafts through upper levels of review becomes important. In the absence of a qualifying note, if a reviewer has signed off on a proposed decision, he or she has indicated agreement with and approval of its

contents. Unless the next level reviewer makes a point the reviewer simply has not considered or an argument compelling enough to cause the reviewer to change his or her mind, the reviewer has a duty to support as well as explain that draft. The extent to which and the manner in which this should be done will vary from case to case, but in any event, we believe the writing attorney also should be included in these discussions. See our communications recommendation, below.

On rare occasions, there may be compelling reasons not to return a draft to the writing attorney: when, as above, time is of the essence or when, in the reviewer's judgment, the attorney is unlikely to accomplish what the reviewer has in mind. In some instances, the writing attorney may be tied up with another, higher priority case. Then the first-line reviewer is not precluded from personally revising the draft, writing an alternate, or reassigning or requesting that the case be reassigned to another attorney.

#### **Regular and effective communication**

Our correlating recommendation, that first-line reviewers communicate regularly and effectively with writing attorneys concerning changes made or requested in their drafts, is a "must." Regardless of who makes the changes,

we think there should be face-to-face discussions that may, if necessary, be supplemented with notes to the file.

The Task Force found that when reviewers returned drafts to writing attorneys, some communicated only by note (even though the attorney's office was only two doors away); others discussed a case with the attorney but kept and revised the draft themselves. Still other reviewers simply made changes without bothering either to return the draft or to discuss it first, apparently feeling that review is accomplished more efficiently this way and that the writing attorney will somehow take note of the changes made and/or learn by example. This last approach is unacceptable.

Except for face-to-face discussions, we do not advocate any specific approach. Each first-line reviewer will develop, through experience, techniques for discussion that are compatible with his or her own personality and the attorney's capabilities. With one attorney, a laundry list of necessary revisions will be most effective; with another, a Socratic approach, or a suggestion that he or she pursue a line of cases that may have been overlooked, may be more productive. (Suggestions for additional research, however, should be as specific as possible. We have all dealt with the long-time reviewer who is convinced--indeed clearly

remembers--that there is a relevant case somewhere out there, but who cannot identify the case, the author, or even the approximate date when it was written. In the absence of reasonably specific information, this may be the time when the reviewer should take to Juris or Index and Files and independently research the issue.)

Whatever approach is used, the objective is the same: to be sure that the attorney knows why each change is made or requested, and thus learns what OGC expects in the way of writing and organization of decisions. While writing attorneys generally should know how to identify and deal with issues, how to examine a case record, and how to go beyond general legal principles and relate them to a specific set of facts, it is through the review process that these skills are honed.

The reasons for some changes should be self-explanatory, and reviewers should not need to make other explanations more than once. Thus, while it may be necessary to point out to an attorney who complains about a red-penciled draft that most of the changes are from the passive to active voice preferred by the Legal Writing Guide, we do not think it is unreasonable to expect prompt improvement following such discussions.

If reviewers make major deletions, it may be because the material is of a preliminary jurisdictional or procedural nature. Although the attorney needs to make this type of analysis, and should be praised for doing so, the result does not necessarily belong in a decision. On the other hand, if the reviewer believes that a fact is irrelevant or an issue is a red herring, it is part of the training process to point this out to the writing attorney.

Attorneys are often at sea when they find decision language that appears to fit the facts and legal issues of the case at hand and, after incorporating it into a draft, discover it changed. In some instances, the reviewer will have done so because the incorporated language is archaic and our present style less legalistic. In others, however, the reviewer may be looking for an innovative approach or for a clearer explanation of a fuzzy concept than we previously have given. When the reviewer believes that a decision requires narrowing, broadening, or distinguishing of a general legal principle, the attorney is entitled to an explanation and an opportunity to draft what is sought. Here again, if the reviewer is identified early, any innovative approach or overruling can be discussed during the research and drafting stage, and attorneys may even begin to suggest such changes.

The manner in which reviewers discuss changes and the tone of the discussion are equally as important as their substance. Some reviewers may be able to convey their message during an informal discussion in the hall or at lunch; others may succeed because they make a point of holding discussions in the attorney's office, rather than their own. Simply moving to the attorney's turf appears to smooth and make relationships less adversarial.

Regardless of when or where the discussions are held, reviewers should respect the importance of the matter to the writing attorney, who has invested time and effort to produce the draft now being criticized. Reviewers generally should be as familiar with the facts and issues involved as they expect the attorney to be, and should confine the discussion to the problems apparent in the case at hand. To the extent possible, we suggest that discussions be uninterrupted and that humor be used judiciously, so that it is not interpreted as sarcasm or as a sign that the reviewer does not take the attorney's work seriously.

Above all, reviewers should strive to be as impartial as possible, criticizing the logic, organization, or argumentation in a draft, but never the writing attorney as an individual. In this regard, we suggest that reviewers also

refrain from criticizing particular attorneys or their work in discussions with others--somehow, the substance of such discussions always finds its way back to the attorney in question, and the relationship suffers accordingly. The only exception to the rule against talking about writing attorneys is in the context of a performance appraisal, where criticism obviously is appropriate and there is an element of due process in that the reviewer or Assistant General Counsel also will be talking to the attorney.

And just as other staff members are expected to check their outside interests and/or personal problems at the door and to give good measure during their working day, personal problems should not lead reviewers to substitute the writing attorney for the proverbial cat. While we would like to believe that most reviewers are charming, friendly, supportive, and professional at all times in their dealings with attorneys, according to an OGC consultant, many attorneys regard the tone of the feedback they receive, when and if they receive it, as caustic and offensive. Our message here comes from the code of conduct for a "civilized" reviewer, developed by a group of Procurement Law attorneys: sarcasm, harassment, threats, and all other forms of gratuitous criticism and insults are strictly prohibited.

One final word: it is really not amiss to call in or go see a writing attorney simply to praise him or her for a good job well done. We presume that even the reviewers who are hardest to please are, from time to time, pleased by the quality of a draft. Why not say so?

## **Chapter 4**

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# **Rotators And Summer Interns**

## CHAPTER 4

### ROTATORS AND SUMMER INTERNS

While the OGC rotation system as we previously have known it has been vastly changed by a reduction in the number of rotating attorneys, for those who are here, the system provides an introduction to the work of the several sections and an overall impression of OGC as an institution and a bureaucracy. We have considered, but do not recommend, either shortening or abandoning the rotation period. Rather, we stress that reviewers at all levels should pay closer attention than they previously have to these attorneys.

As for summer interns, in view of their importance as a pool for full-time attorneys (in the foreseeable future OGC expects to hire only from this group), prescreening and assignment of appropriate cases to interns and communication during the review process will have a direct impact on the composition of our future professional staff.

#### CASE ASSIGNMENT

If prescreening of cases is important for ordinary attorneys, it is vitally important for rotators and interns,

so that these individuals will be given an opportunity to handle a representative sample of cases. Rotators do not obtain meaningful insights into the areas of law a section handles if they are given, for example, only bid protests that are dismissed on procedural grounds or summarily denied; they need cases challenging enough so that their research and writing skills can be evaluated at the end of their sojourn in a section. On the other hand, they should not be assigned cases so complex or specialized that, on the basis of limited experience, they simply cannot be expected to cope, and their efforts will largely have to be rewritten. In sections that have little control over the number and type of incoming cases, those that are suitable for rotators and interns should be reserved for this group or other steps taken to assure that there is work ready for the individual as soon as he or she arrives in a new section.

All OGC sections have implemented, and we strongly recommend continuation of, the mentor system for rotators and summer interns. We look for bright, friendly, outgoing individuals who will take the mentor's responsibilities seriously, introducing rotators and interns to section members, showing them where to find supplies, the cafeteria, and the Credit Union, and providing continuing support during their entire time in a section.

In at least one OGC section, part-time reviewers are responsible for rotators and summer interns, so that the mentor and reviewer roles are combined. These part-time reviewers prescreen cases, discuss issues with rotators and interns during the research and drafting stage, and provide initial review of their drafts. On an experimental basis, this system has worked well; it has resulted in more usable rotator and intern drafts than previously, and it has greatly assisted in the continuing education of the rotators and interns. We suggest that other sections try it.

#### ROTATOR REVIEW

Finally, as noted above, whether done by a full- or part-time reviewer, prompt review of rotator and intern cases is essential, so that these individuals will have feedback and can be evaluated while they are still in a section.



# Conclusion

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## CONCLUSION

Our aim here has not been to tell reviewers "how to" review. Our aim has been to synthesize the findings and the recommendations of the Task Force and to provide guidance, for the first time OGC-wide, as to what is and is not expected of reviewers and, at least by implication, what is expected of writing attorneys.

To summarize, we recommend that all sections of OGC:

- Define the review process broadly, so that it encompasses evaluation, training, and all other aspects of decision writing and review.
- Begin the review process early, with pre-screening of cases before assignment to attorneys and, to the extent Assistant General Counsels believe workable, with early identification of reviewers and/or with permanent assignment of particular attorneys to particular reviewers.
- Enhance the role of the individual reviewer, particularly the first-line reviewer, with the addition of managerial-type responsibilities.

--Improve attorney-reviewer relationships in two ways:

- (1) by returning drafts at least once to writing attorneys for revision, and
- (2) by communicating--regularly, effectively, and on a face-to-face basis--with writing attorneys regarding changes made or requested in drafts.

--Pay greater attention to rotators and summer interns through assignment of appropriate cases and prompt review.

These recommendations, if followed, should help achieve the ultimate goal stated in our introduction: to improve the quality of our decisions and the timeliness with which they are produced.

**Appendix**

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**Uniform Citation Guide**

## APPENDIX: GAO/OGC UNIFORM CITATION GUIDE

### I. GENERAL COMMENTS

- A. **Official Citator** - This Guide, as supplemented by the "Harvard Citator" (Harv. L. Rev. Ass'n, A Uniform System of Citation, 13th ed. 1981), constitutes the official citator for the GAO Office of General Counsel. It supersedes OGC Instruction No. 74-6, Sept. 13, 1974, and all other previous guidance on citation practices. OGC citation and related practices, including abbreviation, quotation, and italicization formats, shall conform to the rules contained in this Guide. However, the provisions of this Guide do not apply to audit reports and other non-legal materials. Citations in those documents are governed by chapter 5 of the GAO Editorial Style Guide.

The materials in this Guide give examples of commonly used citation forms. Some of these materials have been reprinted from the Harvard Citator in order to provide a handy reference guide to facilitate your use of that book and your compliance with its rules. Additional information about these sample citation forms may be found by referring to that publication under the rule numbers indicated by each example. When in doubt, consult the index. Note that the 13th edition of the Harvard Citator represents a great expansion over the previous editions, and makes many changes to the previous editions. (All OGC attorneys and secretaries should review page v of the 13th edition which gives an excellent summary of the most significant changes.)

- B. **Rule of Reason** - As noted on page iv of the Harvard Citator, legal citations should (1) identify the source being cited, (2) distinguish it from other sources, and (3) help the reader to locate the source. The forms prescribed by that publication and this Guide should generally meet those goals. However, when unusual circumstances make these sample forms confusing or otherwise inadequate, a different citation form may be used.
- C. **Revised titles of the U.S. Code** - Generally, citations should be made to sections of the revised titles of the U.S. Code, rather than the superseded versions. Do not indicate in the citation that the title has been revised if it has been (or is about to be) published in the most recent edition of the U.S. Code or Code supplement. However, whenever it is necessary or useful to do so, a parenthetical citation to a former section number or an explanation indicating the revision may be provided. For example: 31 U.S.C. § 3302 (1982) (formerly 31 U.S.C. § 484 (1976)).
- D. **Comptroller General Decisions** - Always check to see if the GAO decision that you are citing has been published or designated for publication in the Comp. Gen. volumes. If so, cite that decision (as indicated in this guide) to the Comp. Gen. Be sure when citing GAO decisions to include a cite to a recent published Comp. Gen. decision (if any) which supports that proposition. This practice is necessary to determine whether your decision should be published in the Comp. Gen. volumes.
- E. **String Citations** - Generally, "string" citations should be avoided. However, should it be necessary or useful to provide a string citation, do not use id. in place of Comp. Gen. For example:

44 Comp. Gen. 623 (1965); 34 Comp. Gen. 577 (1955); 8 Comp. Gen. 103 (1928).

not:

44 Comp. Gen. 623 (1965); 34 id. 577 (1955); 8 id. 103 (1928).

This prohibition should not be confused with the proper use of id. to cite to "the immediately preceding authority," as discussed in Rule No. 4.1 of the Harvard Citator.

- F. **Multiple File Numbers** - When citing GAO decisions with more than two file numbers, cite only to the first number, followed by "et al." For example:

Aero Tube and Connector Co., B-210410 et al., Apr. 25, 1983, 83-1 C.P.D. ¶ 453.

not:

Aero Tube and Connector Co., B-210410, B-210449, B-210450, B-210451, Apr. 25, 1983, 83-1 C.P.D. ¶ 453.

- G. **Subsequent Citations & Short Forms** - As an alternative to the "hereafter" citation format (examples of which are set out elsewhere in this Guide), the document to be cited may be introduced in the text or in the initial citation by its full name,

followed by a parenthetical showing how it will be referred to subsequently. For example:

The Federal Procurement Regulations (FPR) set standards which generally govern the procurement process. FPR, 41 C.F.R. § 1-1.002 (1983). One portion, for example, contains rules that govern negotiated procurements. FPR, 41 C.F.R. § 1-3.

or:

There are regulations which set standards that generally govern the federal procurement process. Federal Procurement Regulations (FPR), 41 C.F.R. § 1-1.002 (1983). One portion, for example, contains rules that govern negotiated procurements. FPR, 41 C.F.R. § 1-3.

Using the "hereafter" format, this passage might read as follows:

There are regulations which set standards that generally govern the federal procurement process. Federal Procurement Regulations, 41 C.F.R. § 1-1.002 (1983) (hereafter cited as FPR). One portion, for example, contains rules that govern negotiated procurements. FPR, 41 C.F.R. § 1-3.

Some of the examples given in this Guide (under the column entitled Subsequent Citation) include "pinpoint" cites used to direct the reader to particular pages or paragraphs. Subsequent citations to the entire authority, rather than to particular pages or paragraphs, should (i) omit the pinpoint information (i.e., the phrase beginning with "at" and ending after the parallel citation, if any), and (ii) insert the phrase "supra," if it is not already included in the citation.

## II. CITATIONS NOT ADDRESSED IN THE HARVARD CITATOR

### A. GAO DECISIONS

Note: "Published" decisions should always be cited to Decisions of the Comptroller General (Comp. Gen.). "Unpublished" decisions should be cited by file number and date. Some decisions are named after persons or companies. Citations to those decisions may include that name. However, do not include the phrase "Matter of." Decisions issued prior to GAO's adoption of the "Matter of" format should be cited in the same manner as unnamed decisions. Parallel citations to the Comptroller General Procurement Decisions (C.P.D.), or other looseleaf services, should be provided, when available, after the official citation. For example:

<u>Document</u>	<u>Initial Citation</u>	<u>Subsequent Citation</u>
Decisions scheduled for Publication	B-208422, July 21, 1983, 62 Comp. Gen. ____.	B-208422, 62 Comp. Gen. ____, <u>supra</u> .
Named decisions	<u>William P. Wisinger</u> , 59 Comp. Gen. 365 (1980).	<u>William P. Wisinger</u> , 59 Comp. Gen. at 366.
	<u>Electron Research, Inc.</u> , B-179096, Jan. 28, 1974.	<u>Electron Research, Inc.</u> , B-179096, <u>supra</u> , at 2.
Parallel citations	<u>Miles Metal Corp.</u> , 54 Comp. Gen. 750 (1975), 75-1 C.P.D. ¶ 145.	<u>Miles Metal Corp.</u> , 54 Comp. Gen. at 751, 75-1 C.P.D. ¶ 145 at 3.
	<u>Allstate Guards and Security Service, Inc.</u> , B-213284, Nov. 16, 1983, 83-2 C.P.D. ¶ 576.	<u>Allstate Guards and Security Service, Inc.</u> , B-213284, <u>supra</u> , 83-2 C.P.D. ¶ 576 at 2.
	<u>Fitts Construction Co.</u> , B-211514, Aug. 19, 1983, 62 Comp. Gen. ____, 83-2 C.P.D. ¶ 190.	<u>Fitts Construction Co.</u> , 62 Comp. Gen. at ____, 83-2 C.P.D. ¶ 190 at 3.
Unnamed decisions	60 Comp. Gen. 459 (1981).	60 Comp. Gen. at 463.
	B-90972, Feb. 8, 1950.	B-90972, <u>supra</u> , at 2.

**B. LEGAL MEMORANDA & OTHER OGC DOCUMENTS**

Note: Cite OGC Instructions by number and date. Cite the various OGC manuals by their name, title (if so organized), page (chapter-page), and year of publication. Non-decisional materials should be cited like "unpublished" decisions, but the text should make clear that the document is a development letter, private inquiry, or other non-decisional material. Office memoranda should be cited by the file number, followed by the designation "-O.M.," and the date. (Office memoranda are legal memoranda that have been signed by or on behalf of the General Counsel, or someone of greater rank.) Legal memoranda that have been signed by a person of lesser rank than the General Counsel should be cited by the file number, followed by the designation "-SSA," "-GGM," "-PLM I," "-PLM II," "-PL I," or "-PL II," as appropriate, and the date. When subsequent citations to one of these documents is anticipated, be sure to provide a parenthetical explanation of the short form citation, using either the "hereafter" format, or one of the alternative formats discussed in section number I(G) of this Guide. For example:

<u>Document</u>	<u>Initial Citation</u>	<u>Subsequent Citation</u>
Civilian Personnel Law Manual	GAO, Civilian Personnel Law Manual, tit. II, at 4-3 (1983).	GAO-CPLM, tit. II, at 4-4.
Government Contract Principles	GAO, Government Contract Principles at 3-19 (1978).	GAO-GCP at 3-20.
Military Personnel Law Manual	GAO, Military Personnel Law Manual at 3-19 (1983).	GAO-MPLM at 3-20.
OGC Instructions	GAO, Office of the General Counsel Instructions, No. 74-6, Sept. 13, 1974.	GAO/OGC Instr., No. 74-6.
Office memoranda	B-174757-O.M., Feb. 9, 1972.	B-174757-O.M., <u>supra</u> .
Other legal memoranda	B-213365-SSA, Jan. 18, 1984.	B-213365-SSA, <u>supra</u> .
Principles of Federal Appropriations Law	GAO, Principles of Federal Appropriations Law at 3-19 (1982).	GAO-PFAL at 3-20.
Transportation Law Manual	GAO, Transportation Law Manual at 3-7 (1978).	GAO-TLM at 3-8.
Sample "hereafter" parenthetical	GAO, Office of the General Counsel Instructions, No. 74-6, Sept. 13, 1974 (hereafter cited as GAO/OGC Instr., No. 74-6).	

**C. OTHER GAO DOCUMENTS**

Note: The documents listed below should be cited as indicated, whenever possible. However, some of the citation information (publication dates, for example) is not uniformly available for these documents. When information included in these sample citations is unavailable or inadequate, any other information which would help to identify and locate the cited document should be provided in the citation. When subsequent citations to one of these documents is anticipated, be sure to provide a parenthetical explanation of the short form citation, using either the "hereafter" format, or one of the alternative formats discussed in section number I(G) of this Guide. For example:

<u>Document</u>	<u>Initial Citation</u>	<u>Subsequent Citation</u>
Administrative Orders <sup>1</sup>	GAO, Administrative Orders, No. 13-Rev., at 3 (Aug. 24, 1948)	GAO-AO No. 13-Rev.
Audit Reports	GAO, Federal Agencies Negligent in Collecting Debts Arising from Audits at 9 (AFMD-82-32, B-200473, Jan. 22, 1982).	GAO/AFMD-82-32 at 9.
"Bill Comments"	B-202175, Nov. 16, 1983 (comments on H.R. 2875, 98th Cong., 1st Sess.).	B-202175, <u>supra</u> , at 3.

## C. OTHER GAO DOCUMENTS (cont.)

<u>Document</u>	<u>Initial Citation</u>	<u>Subsequent Citation</u>
Comprehensive Audit Manual <sup>2</sup>	GAO, Comprehensive Audit Manual, pt. I, at 3-1 (Feb. 1976).	GAO-CAM, pt. I, at 3-1.
Comptroller General's Orders <sup>1</sup>	GAO, Comptroller General's Orders, No. 1.17 para. 53 (TM No. 117, Mar. 25, 1969).	GAO-CGO No. 1.17 para. 53.
GAO Review	M. Armen, <u>Equal Pay - Fair Play</u> , 18 G.A.O. Rev. 16, 19 (Winter 1980).	18 G.A.O. Rev. at 20.
GAO Management News	"Security Secrets," 10 G.A.O. Mgmt. News No. 43 at 6 (July 5, 1983).	10 G.A.O. Mgmt. News No. 43 at 6.
General Policy Manual	GAO, General Policy Manual at 5-3 (Oct. 1981).	GAO-GPM at 5-3.
General Regulations <sup>3</sup>	GAO, General Regulations, No. 72, at 3 (June 21, 1929), <u>reprinted in</u> 8 Comp. Gen. 706 (1929).	GAO-GR, No. 72, at 3.
Joint GAO-Treasury Regulations <sup>4</sup>	Joint GAO and Treasury Department Regulation No. 4-Rev. (Supp. No. 1, Jan. 10, 1957), <u>reprinted in</u> GAO Policy and Procedures Manual for Guidance of Federal Agencies, app. B, at 7-121.	GAO-TD Reg. No. 4-Rev.
Office Orders <sup>1</sup>	GAO, Office Orders, No. 6 (Aug. 22, 1941).	GAO-OO, No. 6.
Operations Manual	GAO, Operations Manual, Order No. 0413.1 (Feb. 7, 1980).	GAO-OM, Ord. No. 0413.1.
Policy & Procedures Manual for Guidance of Federal Agencies	GAO, Policy and Procedures Manual for Guidance of Federal Agencies, tit. 7, § 20.5 (TS No. 7-40, July 14, 1983).	7 GAO-PPM § 20.5.
Project Manual	GAO, Project Manual at 10-1 (Feb. 1982).	GAO-PM at 10-2.
Report Manual	GAO, Report Manual at 13-5 (TS No. 115 June, 1983).	GAO-RM at 13-5.
Sample "hereafter" parenthetical	GAO, Operations Manual, Order No. 0413.1 (Feb. 7, 1980) (hereafter cited as GAO-OM Ord. No. 0413.1).	

## D. NON-GAO DOCUMENTS

Note: The documents listed below should be cited as indicated, whenever possible. However, some of the citation information (publication dates, for example) is not uniformly available for these documents. When information included in these sample citations is unavailable or inadequate, any other information which would help to identify and locate the cited document should be provided in the citation. When subsequent citations to one of these documents is anticipated, be sure to provide a parenthetical explanation of the short form citation, using either the "hereafter" format, or one of the alternative formats discussed in section number I(G) of this Guide. For example:

<u>Document</u>	<u>Initial Citation</u>	<u>Subsequent Citation</u>
Boards of Contract Appeals <sup>5</sup>	<u>Home Insurance Co., Armed Services Board of Contract Appeals</u> No. 22,898, Dec. 12, 1980, <u>reprinted in</u> 81-1 B.C.A. ¶ 14,884 (CCH 1981).	<u>Home Insurance Co.</u> , 81-1 B.C.A. at 73,625.
Comptroller of the Treasury Decisions - Manuscripts	90 MS Comp. Dec. 47 (1919).	90 MS Comp. Dec. at 48.

## D. NON-GAO DOCUMENTS (cont.)

<u>Document</u>	<u>Initial Citation</u>	<u>Subsequent Citation</u>
Comptroller of the Treasury Decisions - "Published"	15 Comp. Dec. 493 (1909).	15 Comp. Dec. at 494.
Claims Court Decisions (successor to Ct. Cl.)	<u>E-Systems v. United States</u> , 2 Cl. Ct. 271 (1983).	<u>E-Systems</u> , 2 Cl. Ct. at 272.
Defense Acquisition Regulation <sup>6</sup> (formerly ASPR)	Defense Acquisition Regulation, § 3-902.3, <u>reprinted in</u> 32 C.F.R. pts. 1-39 (1983).	DAR, § 3-902.3(d).
Federal Acquisition Regulation <sup>7</sup>	Federal Acquisition Regulation, § 14.103-1, 48 Fed. Reg. 41,102, 42,171 (1983) (to be codified at 48 C.F.R. § 14.103-1).	FAR, § 14.103-1, 48 Fed. Reg. 42,171.
Federal Personnel Manual	Federal Personnel Manual, ch. 300, § 2-1 (Inst. 262, May 7, 1981).	FPM, ch. 300, § 2-1.
Federal Personnel Manual Bulletins	Federal Personnel Manual Bulletin No. 000-76, May 7, 1979.	FPM Bull. No. 00-76.
Federal Personnel Manual Letters	Federal Personnel Manual Letter No. 213-30, June 5, 1981.	FPM Lett. No. 213-30.
Federal Personnel Manual Supplements	Federal Personnel Manual Supp. No. 990-2, bk. 531, S4-2 (Inst. 65, Jan. 5, 1982).	FPM Supp. No. 990-2, bk. 531, S4-2.
Federal Procurement Regulations <sup>6</sup>	Federal Procurement Regulations, 41 C.F.R. § 1-1.007 (1983).	FPR, 41 C.F.R. § 1-1.007.
Federal Property Mgmt. Regulations	Federal Property Management Regulations, 41 C.F.R. § 101-25.109-1 (1983).	FPMR, 41 C.F.R. § 101-25.109-1.
Federal Travel Regulations	Federal Travel Regulations, para. 2-6.2d(1) (Supp. 4, Aug. 23, 1982), <u>incorp. by ref.</u> , 41 C.F.R. § 101-7.003 (1983).	FTR, para. 2-6.2d(1).
Foreign Affairs Manual	Foreign Affairs Manual, tit. 6, § 116.4 (Aug. 10, 1982).	6 F.A.M. § 116.4.
Inspectors General Reports	Inspector General, Department of Energy, Mismanagement of Funds [by] ERA, Rep. No. 10-67 (Sept. 1, 1983).	IG/DOE, Rep. No. 10-67.
Joint Travel Regulations <sup>8</sup>	Joint Travel Regulations, vol. 1, para. C8007-1 (Change No. 212, July 1, 1983).	1 JTR para. C8007-1.
OMB Bulletins	Office of Management and Budget Bulletin No. 84-5, Dec. 8, 1983.	OMB Bull. No. 84-5 at 2.
OMB Circulars	Office of Management and Budget Circular No. A-76, Aug. 4, 1983, <u>reprinted in</u> 48 Fed. Reg. 37,111, 37113 (1983).	OMB Circ. No. A-76, sec. 8, 48 Fed. Reg. at 37,114.
Treasury Fiscal Requirements Manual <sup>9</sup>	Treas. Fiscal Requirements Manual, vol. 1, § 1-1095.30 (T.L. No. 373).	1 T.F.R.M. § 1-1095.30.
Sample "hereafter" parenthetical	Office of Management and Budget Bulletin No. 84-5, Dec. 8, 1983 (hereafter cited as OMB Bull. No. 84-5).	

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**FOOTNOTES**

- 1 Superseded. Subject matter currently covered in GAO-OM.
- 2 Superseded. Subject matter currently covered in GAO-GPM and GAO-PM.
- 3 Superseded. Subject matter currently covered in GAO-PPM.
- 4 These are the regulations authorized by the Budget and Accounting Procedures Act of 1950, ch. 946, § 115, 64 Stat. 832, 837.
- 5 Note: the CCH transfer binders for slip opinions by Boards of Contract Appeals are named (and cited) differently - Contract Appeals Decisions (cited as Cont. App. Dec.).
- 6 To be superseded by FAR.
- 7 Effective April 1, 1984. After the new 48 C.F.R. volumes have been printed and distributed, cite only to the C.F.R. For example: FAR, 48 C.F.R. § 14.103-1.
- 8 Note: In the JTR, paragraphs beginning with "M" (military) are in volume 1, and those beginning with "C" (civilian) are in volume 2.
- 9 Note: The Treasury Fiscal Requirements Manual (T.F.R.M.) is in the process of being changed to the Treasury Financial Manual (T.F.M.). This process should be completed sometime in 1984 with the issuance of a new volume 1. Citations should then be made to the T.F.M.

Citation Rules & ExamplesRule No.**Introductory Signals**

2.2

**(a) Signals that indicate support.**

- [no signal] Cited authority (i) states the proposition, (ii) identifies the source of a quotation, or (iii) identifies an authority referred to in text
- E.g.* Cited authority states the proposition; other authorities also state the proposition, but citation to them would not be helpful. "*E.g.*," may also be used in combination with other signals, preceded by a comma:  
*See, e.g.*  
*But see, e.g.*
- Accord* Cited authority directly supports the proposition, but in a slightly different way than the authority(ies) first cited. "*Accord*" is commonly used when two or more cases are on point but the text refers to only one; the others are then introduced by "*accord*." Similarly, the law of one jurisdiction may be cited as in accord with that of another.
- See* Cited authority directly supports the proposition. "*See*" is used instead of "[no signal]" when the proposition is not stated by the cited authority but follows from it.
- See also* Cited authority constitutes additional source material that supports the proposition. "*See also*" is commonly used to cite an authority supporting a proposition when authorities that state or directly support the proposition have already been cited or discussed. The use of a parenthetical explanation of the source material's relevance (rule 2.5) following a citation introduced by "*see also*" is encouraged.
- Cf* Cited authority supports a proposition different from the main proposition but sufficiently analogous to lend support. Literally, "*cf.*" means "compare." The citation's relevance will usually be clear to the reader only if it is explained. Parenthetical explanations (rule 2.5), however brief, are therefore strongly recommended.

**(b) Signal that suggests a profitable comparison.**

- Compare . . .* Comparison of the authorities cited will offer support for or illustrate the proposition. The comparison's relevance will usually be clear to the reader only if it is explained. Parenthetical explanations (rule 2.5) following each authority are therefore strongly recommended.
- [and] . . .*
- with . . .*
- [and] . . .*

**(c) Signals that indicate contradiction.**

- Contra* Cited authority states the contrary of the proposition. "*Contra*" is used where "[no signal]" would be used for support.
- But see* Cited authority directly contradicts the proposition. "*But see*" is used where "*see*" would be used for support.
- But cf.* Cited authority supports a proposition analogous to the contrary of the main proposition. The use of a parenthetical explanation of the source material's relevance (rule 2.5) following a citation introduced by "*but cf.*" is strongly recommended.
- "*But*" should be omitted from "*but see*" and "*but cf.*" whenever the signal follows another negative signal:

*Contra* Blake v. Kline, 612 F.2d 718, 723-24 (3d Cir. 1979); *see* C. WRIGHT, LAW OF FEDERAL COURTS § 48 (3d ed. 1976).

**(d) Signal that indicates background material.**

- See generally* Cited authority presents helpful background material related to the proposition. The use of a

Citation Rules & Examples

Rule No.

**Introductory Signals (cont.)**

2.2 (cont.)

parenthetical explanation of the source material's relevance (rule 2.5) following each authority introduced by "see generally" is encouraged

**(e) Signals as verbs.** When "see," "compare," "see generally," or another signal word is used as the verb of an English sentence, the word should be printed in ordinary roman type

For a discussion of limits on the property power, see Note, *The Property Power, Federalism, and the Equal Footing Doctrine*, 80 COLUM. L. REV. 817 (1980).

For a related view, compare Note, *The Rights of Sources*, 88 YALE L.J. 1202 (1979), which discusses the rights of reporters' sources

**Cases**

10

**Basic Citation Forms**

**(a) United States (federal and state), Commonwealth, and other common law jurisdictions.**

	<b>In briefs and legal memoranda</b>
filed but not decided	<u>Englert v. Tenenbaum</u> , No. 85-345 (D. Mass. filed Sept. 18, 1985)
unpublished interim order	<u>Englert v. Tenenbaum</u> , No. 85-345 (D. Mass. Oct. 25, 1985) (order granting preliminary injunction)
published interim order	<u>Englert v. Tenenbaum</u> , 578 F. Supp. 1395 (D. Mass. 1985) (order granting preliminary injunction)
unpublished decision	<u>Englert v. Tenenbaum</u> , No. 85-345, slip op. at 6 (D. Mass. Dec. 4, 1985)
decision published in service only	<u>Englert v. Tenenbaum</u> , 1985 Fed. Sec. L. Rep. (CCH) ¶ 102,342 (D. Mass. Dec. 4, 1985)
decision published in newspaper only	<u>Englert v. Tenenbaum</u> , N.Y.L.J., Dec. 5, 1985, at 1, col. 5 (D. Mass. Dec. 4, 1985)
published decision	<u>Englert v. Tenenbaum</u> , 580 F. Supp. 1407, 1412 (D. Mass. 1985)
appeal docketed	<u>Englert v. Tenenbaum</u> , 580 F. Supp. 1407 (D. Mass. 1985), appeal docketed, No. 85-567 (1st Cir. Dec. 20, 1985)
brief, record, or appendix	Brief for Appellant at 7, <u>Englert v. Tenenbaum</u> , 776 F.2d 1427 (1st Cir. 1986)
disposition on appeal	<u>Englert v. Tenenbaum</u> , 776 F.2d 1427, 1430 (1st Cir. 1986)
disposition in lower court showing subsequent history	<u>Englert v. Tenenbaum</u> , 580 F. Supp. 1407, 1412 (D. Mass. 1985), aff'd, 776 F.2d 1427 (1st Cir. 1986)
petition for certiorari filed	<u>Englert v. Tenenbaum</u> , 776 F.2d 1427 (1st Cir. 1986), petition for cert. filed, 55 U.S.L.W. 3422 (U.S. Jan. 14, 1987) (No. 86-212)
petition for certiorari granted	<u>Englert v. Tenenbaum</u> , 776 F.2d 1427 (1st Cir. 1986), cert. granted, 55 U.S.L.W. 3562 (U.S. Jan. 21, 1987) (No. 86-212)

Citation Rules & Examples

Rule No.

**Cases** (cont.)

10 (cont.)

**Basic Citation Forms**

disposition in Supreme Court published only in service

Englert v. Tenenbaum.  
35 U.S.L.W 4420, 4421 (U.S. Feb 4, 1987), vacating as moot 776 F.2d 1427 (1st Cir 1986)

**(b) Civil law and other non-common-law jurisdictions.**

published decision

Judgment of Jan. 10, 1935.  
Cour d'appel, Paris, 1935 Recueil Periodique et Critique [D.P.] II 758

**Constitutions**

11

Cite English-language constitutions by country or state and the word "CONST":

- U.S. CONST. art. I, § 9, cl. 2.
- U.S. CONST. amend XIV, § 2.
- U.S. CONST. preamble.
- N M CONST art. IV, § 7.

Cite constitutions that have been totally superseded by year of adoption, if the specific provision cited was adopted in a different year, give that year parenthetically

ARK. CONST. of 1868. art. III, § 2 (1873).

**Statutes**

12

**Basic Citation Forms**

**(a) American jurisdictions.**

cited to current official code	42 U S C § 1983 (Supp III 1979) National Environmental Policy Act of 1969, § 102, 42 U S C § 4332 (1976) Probate, Estates and Fiduciaries Code, 20 PA CONS STAT § 301 (1976)
cited to current unofficial code	12 U S C A § 635f (West Supp 1981) Parking Authority Law, PA STAT ANN tit 53, § 342 (Purdon 1974)
cited to official session laws	National Environmental Policy Act of 1969, Pub L No 91-190, § 102, 83 Stat 852, 853 (1970) (prior to 1975 amendment)
cited to privately published session laws	Health Care Facilities Act, Act No 1979-48, 1979 Pa Legis Serv. 114 (to be codified at 35 PA CONS STAT §§ 448 101- 903)
cited to secondary source	International Air Transportation Competition Act of 1979, Pub L No 96-192, § 17, 48 U S L W 80 82 (1980) (to be codified at 49 U S C § 1102)

**Legislative Materials**

13

**Basic Citation Forms**

federal bill (unenacted)	H R 3055, 94th Cong., 2d Sess., 122 CONG REC 16,870-71 (1976)
federal resolution (unenacted)	H R J Res 1116, 95th Cong., 2d Sess., 124 CONG REC H8790-91 (daily ed Aug 16, 1978)
state resolution	Okla S Res. 20, 37th Leg., 1979 Okla Sess Law Serv A-159
committee hearing	<i>Panama Canal Treaty Implementation Hearings on H R 1716 Before the Subcomm. on Immigration, Refugees, and International Law of the House Comm. on the Judiciary, 96th Cong., 1st Sess 68-70 (1979) (statement of Ambler H Moss, Jr., U.S. Ambassador to the Republic of Panama)</i>
federal report	H R REP No 98, 92d Cong., 1st Sess 4, reprinted in 1971 U.S. CODE CONG & AD NEWS 1017, 1017

Note: Testimony given in legislative hearings is to be cited using the format for committee hearings. See Rule No. 15.5.2 for the format for non-legislative speeches and statements. In either case, the file number should be provided parenthetically, when it is known.

Note: Conference reports should be identified as such in a parenthetical.

Citation Rules & Examples

Rule No.

**Legislative Materials** (cont.)

13 (cont.)

**Basic Citation Forms**

federal document	H R Doc No 208, 94th Cong, 1st Sess 2 (1975)
committee print	STATE OF SENATE COMM ON FINANCE, 93D CONG, 2D SESS, STAFF DATA AND MATERIALS ON UNITED STATES TRADE AND BALANCE OF PAYMENTS 52 (Comm Print 1974)
congressional debate	126 CONG REC H6456 (daily ed July 24 1980) (statement of Rep Levitas)
source reprinted in separately bound legislative history	SENATE COMM ON LABOR AND PUBLIC WELFARE, LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, S REP NO 187 86th Cong, 1st Sess 4 reprinted in 1959 U S CODE CONG & AD NEWS 2318 2320 and in 1 NLRB, LEGISLATIVE HISTORY OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, at 397, 400 (1959)

Note: Cite debates to the final bound edition, rather than the daily edition, whenever possible. (Daily edition pagination does not correspond to that of the bound edition, and it is not sufficient to simply drop the H, S, or other letter from the daily page number.)

Congressional debates prior to 1873 are cited according to the following models

1789-1824	38 ANNALS OF CONG. 624 (1822) But for vol 1, give editor(s) in parentheses 1 ANNALS OF CONG. 486 (J. Gales ed 1789)
1824-1837	10 CONG. DEB. 3472 (1834)
1833-1873	CONG. GLOBE, 36th Cong. 1st Sess. 1672 (1860)

**Administrative and Executive Materials**

14

**Basic Citation Forms**

federal rules and regulations (except Treasury)	
Code of Federal Regulations	EPA Effluent Limitations Guidelines, 40 C F R § 405.53 (1980) 47 C F R § 73.609 (1980)
Federal Register	Amendments to Regulation A, 45 Fed. Reg. 41,629 (1980) (to be codified at 12 C F R §§ 201.51-53) 45 Fed. Reg. 45,259 (1980) (to be codified at 14 C F R § 39.13)
Treasury regulations	Treas. Reg. § 1.302(b) (1955)
agency adjudications (see rules 10 2 3 & 10 3 1)	Reichold Chems. Inc., 91 F T C 246 (1978)
formal advisory opinions	39 Op. Att'y Gen. 484 (1940)
executive orders	Exec. Order No. 11,609, 3 C.F.R. 308 (1974), reprinted in 3 U.S.C. § 301 app. at 272-74 (1976)

**Short Forms for Cases and Statutes**

4.3

(a) **Cases.** In briefs, legal memoranda, and similar materials, citations to a case that has already been cited in full in the same general discussion may be shortened to any of the following forms that clearly identifies the case

United States v. Calandra, 414 U.S. at 343  
Calandra, 414 U.S. at 343  
414 U.S. at 343

Note: A subsequent citation to a case in general, rather than to particular pages or passages, should (i) omit the pinpoint information (i.e., the phrase beginning with "at" and ending after the parallel citation, if any), and (ii) insert the phrase ", supra," if it is not already included in the cite.

(b) **Statutes.**

	Full citation	Law review text	Suggested short forms
named statutes	Administrative Procedure Act § 1, 5 U.S.C. § 551 (1976)	section 1 of the Administrative Procedure Act section 1	§ 1 5 U.S.C. § 551 Administrative Procedure Act § 1
United States Code provisions	42 U.S.C. § 1983 (1976)	42 U.S.C. § 1983	42 U.S.C. § 1983 § 1983
all other statutory material	DEL. CODE ANN. tit. 28, § 556 (Supp. 1978)	title 28, section 556 of the Delaware Code	title 28, § 556 § 556

Citation Rules & Examples

Rule No.

**Short Forms for Cases and Statutes** (cont.)

4.3 (cont.)

(c) **Constitutions.** Do not use a short citation form for constitutions.

**Federal**

Tables

**United States**

**Supreme Court (U.S.):** Cite to U.S., S. Ct., or U.S.L.W., in that order of preference. Do not give a parallel citation.

**United States Reports**

91 U.S. to date	1875-date	U.S.
Wallace	1863-1874	e.g., 68 U.S. (1 Wall.)
Black	1861-1862	e.g., 66 U.S. (1 Black)
Howard	1843-1860	e.g., 42 U.S. (1 How.)
Peters	1828-1842	e.g., 26 U.S. (1 Pet.)
Wheaton	1816-1827	e.g., 14 U.S. (1 Wheat.)
Cranch	1801-1815	e.g., 5 U.S. (1 Cranch)
Dallas	1790-1800	e.g., 1 U.S. (1 Dall.)
Supreme Court Reporter	1882-date	S. Ct.
United States Law Week	1933-date	U.S.L.W.

**Circuit Justices** (e.g., Rehnquist, Circuit Justice): Cite to U.S., S. Ct., or U.S.L.W. if therein, in that order of preference.

United States Reports	1969-date	U.S.
Supreme Court Reporter	1926-date	S. Ct.
United States Law Week	1933-date	U.S.L.W.

(A few other opinions are reported in other reporters  
E.g., *United States v. Motlow*, 10 F.2d 657 (Butler, Circuit Justice 1926))

**Courts of Appeals** (e.g., 1st Cir., D.C. Cir.), previously **Circuit Courts of Appeals** (e.g., 1st Cir.), and **Court of Appeals of/for the District of Columbia** (D.C. Cir.): Cite to F. or F.2d.

Federal Reporter	1891-date	F. F.2d
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**Circuit Courts** (e.g., C.C.S.D.N.Y., C.C.D. Cal.) (abolished 1912): Cite to F. Cas. or F.

Federal Cases	1789-1880	F. Cas.
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(Citations to F. Cas. should give the case number parenthetically. E.g., *Hochman v. Sobeloff*, 18 F. Cas. 598 (C.C.W.D. Pa. 1859) (No. 10,444).)

Federal Reporter	1880-1912	F.
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**Emergency Court of Appeals** (Emer. Ct. App.), **Temporary Emergency Court of Appeals** (Temp. Emer. Ct. App.), and **Commerce Court** (Comm. Ct.): Cite to F. or F.2d.

Federal Reporter	1926-date	F., F.2d
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**Court of Claims** (Ct. Cl.), **Court of Customs and Patent Appeals** (C.C.P.A.), **Customs Court** (Cust. Ct.), and **Court of International Trade** (Ct. Int'l Trade): Cite to F.2d or F. Supp. if therein, otherwise cite to the respective official reporter

Note: Court of Claims is now Claims Court (Cl. Ct.). Sample citation shown above in section I(D) on p. A5.

Federal Reporter	1929-date	F.2d
Federal Supplement	1932-date	F. Supp.
Court of Claims Reports	1956-date	Ct. Cl.
Court of Customs and Patent Appeals Reports	1929-date	C.C.P.A.
Customs Court Reports	1938-1980	Cust. Ct.
Court of International Trade Reports	1980-date	Ct. Int'l Trade

**District Courts** (e.g., D. Mass., S.D.N.Y.): For cases after 1932, cite to F. Supp., F.R.D., or Bankr. if therein, otherwise cite to Fed. R. Serv. or Fed. R. Serv. 2d. For prior cases, cite to F., F.2d, or F. Cas. if therein.

Federal Supplement	1932-date	F. Supp.
Federal Rules Decisions	1938-date	F.R.D.
Bankruptcy Reporter	1979-date	Bankr.
Federal Rules Service	1938-date	Fed. R. Serv. (Callaghan), Fed. R. Serv. 2d (Callaghan)

Federal Reporter	1880-1932	F., F.2d
Federal Cases	1789-1880	F. Cas.

(Citations to F. Cas. should give the case number parenthetically. E.g., *Ex parte McKean*, 16 F. Cas. 186 (E.D. Va. 1878) (No. 8848).)

Citation Rules & Examples

Rule No.

**Federal** (cont.)

Tables (cont.)

**Bankruptcy Courts** (e.g., Bankr. N.D. Cal.) and **Bankruptcy Appellate Panels** (e.g., Bankr. 1st Cir). Cite to Bankr if therein; otherwise cite to a service (rule 18)

Bankruptcy Reporter 1979-date Bankr

**Judicial Panel on Multi-District Litigation** (J.P.M.D.L.) and **Special Court Regional Rail Reorganization Act** (Regional Rail Reorg Ct.) Cite to F. Supp.

Federal Supplement 1968-date F Supp

**Tax Court** (T.C.) and **Board of Tax Appeals** (B.T.A.) Cite to T.C. or B.T.A. if therein, otherwise cite to T.C.M. (CCH), T.C.M. (P-H), or B.T.A.M. (P-H).

Tax Court of the United States Reports 1942-date T C  
 Board of Tax Appeals Reports 1924-1942 B T A  
 Tax Court Memorandum Decisions 1942-date T C M (CCH) [or (P-H)]  
 Board of Tax Appeals Memorandum Decisions 1924-1942 B T A M (P-H)

**Court of Military Appeals** (C.M.A.) Cite to C M A. if therein and to M.J. or C.M.R.

Court of Military Appeals Reports 1951-1975 C M A  
 Military Justice Reporter 1975-date M J.  
 Court Martial Reports 1951-1977 C M R

**Courts of Military Review** (e.g., A.C.M.R., A.F.C.M.R.), previously **Boards of Review** (e.g., A.B.R.): For cases after 1950, cite to M.J. or C.M.R. For earlier cases, cite to the official reporter.

Military Justice Reporter 1975-date M J  
 Court Martial Reports 1951-1977 C M R

**Statutory compilations** Cite to U.S.C. if therein.

United States Code x U S C § x (19xx)  
 (26 U S C may be abbreviated as I R C )  
 United States Code Annotated x U S C A § x (West 19xx)  
 United States Code Service x U S C S § x (Law Co-op 19xx)

**Session laws**

United States Statutes at Large x Stat xxx (1xxx)  
 (Cite public laws before 1957 by chapter number, cite subsequent acts by public law number)

**United States official administrative publications**

Administrative Decisions under Immigration and Nationalization Laws 1940-date I & N Dec  
 Agricultural Decisions 1942-date Agnc Dec  
 Atomic Energy Commission Reports 1956-1975 A E C  
 Civil Aeronautics Board Reports (vol 1 by C A A ) 1940-date C A B  
 Copyright Decisions 1909-date Copy Dec  
 Court of Customs Appeals Reports 1910-1929 Ct Cust App  
 Cumulative Bulletin 1919-date C B  
 Customs Bulletin and Decisions 1967-date Cust B & Dec  
 Decisions of the Comptroller General 1921-date Comp Gen.  
 Decisions of the Employees' Compensation Appeals Board 1947-date Empl Comp App Bd  
 Decisions of the Department of the Interior (from vol 53) 1930-date Interior Dec  
 Decisions of the Federal Maritime Commission 1947-date F M C  
 Decisions of the United States Maritime Commission 1919-1947 Dec U S Mar. Comm'n  
 Department of the Interior, Decisions Relating to Public Lands (vols 1-52) 1881-1929 Pub Lands Dec  
 Federal Communications Commission Reports 1919-date F.C.C. F C C 2d  
 Federal Power Commission Reports 1931-date F.P.C  
 Federal Reserve Bulletin 1915-date Fed Res Bull  
 Federal Trade Commission Decisions 1915-date F T C  
 Interstate Commerce Commission Reports 1887-date I C C  
 Interstate Commerce Commission, Valuation Reports 1929-date I C C. Valuation Rep  
 Motor Carrier Cases 1936-date M C C  
 National Labor Relations Board Decisions and Orders 1935-date N L R B  
 National Railroad Adjustment Board, 1st-4th Div 1934-date e g. N R A B (1st Div )

Citation Rules & Examples

Rule No.

**Federal** (cont.)

Tables (cont.)

National Transportation Safety Board Decisions	1967-date	N T.S B
Nuclear Regulatory Commission Issuances	1975-date	N.R C
Official Gazette of the United States Patent Office	1872-date	Off Gaz. Pat Office
Official Opinions of the Solicitor for the Post Office Department	1873-1951	Op. Solic P O Dep't
Opinions of the Attorney General	1789-date	Op Att'y Gen
Opinions of Office of Legal Counsel	1977-date	Op Off Legal Counsel
Patents, Decisions of the Commissioner and of U S Courts	1869-date	Dec Comm'r Pat
Securities and Exchange Commission Decisions and Reports	1934-date	S.E C
Treasury Decisions Under Customs and Other Laws	1898-1966	Treas Dec
Treasury Decisions Under Internal Revenue Laws	1898-1942	Treas Dec Int Rev

**International Materials**

19

**Basic Citation Forms**

**(a) Treaties and other international agreements (rule 19.2).**

bilateral or trilateral, U S a party	Treaty of Friendship, Commerce and Navigation, Apr 2, 1953, United States-Japan, art X, 4 U S T 2063, 2071, T I A S No 2863, at 10
bilateral or trilateral, U S not a party	Treaty of Neutrality, Jan 5, 1929, Hungary-Turkey, 3 Recueil de Traités (Turk ) 457, 100 L N T.S 137
multilateral, U S a party	Agreement on International Classification of Trademarked Goods and Services, June 15, 1957, 23 U.S T 1336, T I A S No 7418, 550 U N T.S 45 Treaty on the Non-Proliferation of Nuclear Weapons, opened for signature July 1, 1968, 21 U S T 483, T I A S No 6839, 729 U N T.S 161

**(b) International law cases and arbitrations (rule 19.3)**

World Court cases	Fisheries Jurisdiction (U K v Ice ), 1972 I.C.J 12 (Interim Protection Order of Aug 17)
Common Market cases	Imperial Chem Indus v Commission des Communautés européennes, 1972 C.J. Comm E Rec 619, [1971-1973 Transfer Binder] COMMON MKT REP (CCH) ¶ 8161
international arbitrations	Savarkar Case (Fr v Gr Brit ), Hague Ct Rep (Scott) 275 (Perm Ct Arb 1911)

**(c) United Nations materials (rule 19.4).**

included in an official record	UNICEF Financial Report 10 U N GAOR Supp (No 6A) at 5, U N Doc A/2905 (1955)
UN charter	U N CHARTER art 2, para 4
documents without UN number	U N Economic Committee for Europe, 29 Economic Bulletin for Europe 9, U N Sales No. E 78 II E 4 (1977)

**(d) Materials of other international organizations (rule 19.5).**

European Community	1961-1962 EUR PARL DEB (No. 38) 5 (Mar 7, 1961) O.J. EUR COMM (No 261) 7 (1980) (Debates of European Parliament) 1972-1973 EUR PARL DOC (No. 258) 5 (1973)
Council of Europe	EUR CONSULT ASS DEB 10TH SESS 639 (Oct 16, 1958) Reply of the Comm of Ministers, Eur Consult Ass., 12th Sess , Doc No 1126 (1960)

**(e) Yearbooks (rule 19.6).**

United Nations	Summary Records of the 187th Meeting, [1953] I Y B INT'L L. COMM'N 17, U N Doc A/CN.4/SER A/1953
other	Certain Expenses of the United Nations (summary), 1961-1962 I C J.Y.B 78 (1962)